GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

MINES & MINERALS – Major Minerals- Grant of Mining Lease for Limestone over an extent of 267.30 Acres (145.33 Acres of Patta land and 121.97 Acres of Govt land) in Sy.No.193, 194/1, 2 etc., and Sy. No. 171 of Jayanthipuram Village, Jaggaiahpet Mandal, NTR District for 50 years for captive purpose in favour of M/s The Ramco Cements Limited – Orders – Issued.

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INDUSTRIES & COMMERCE (M.III) DEPARTMENT

G.O.Ms.No.36 Dated:15.03.2024

Read the following:

1. Govt. Memo No.14718/M-II(2)/2004-8, Dt:31.03.2008.
2. Govt. Memo No.14718/M-III(2)/2004-2, Dt:20.04.2016.
3. From MoM, GoI Lr.No.16/143/2016-M.VI dated 08.12.2016
4. From IBM, MoM, GoI vide Lr.No. AP/KSN/MP/LST-35/HYD, Dt:02.01.2017.
5. Lr.No:25242/D12-2/2002, Dt:07.12.2022 of the DM&G, A.P addressed to Mahesh Agarwal law Associates.
6. From the DM&G, A.P., Lr.No:25242/D12-2/2002, Dt:07.06.2023.
7. Govt.Lr.No:INC01-MG0MAJM/19/2022/M.III, dt:29.08.2023.
8. From the LAG, A.P., Lr.No:447/2023(Opinion No:96/2023), dt:22.09.2023
9. From M/s The Ramco Cements Ltd, Lr.dt:27.01.2024.
10. From the DM&G, AP, single file No:18117/D6-NTR/2024, dt:28.02.2024.

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In the Memo 1st read above, Government have issued Letter of Intent (LoI) for grant of Mining Lease for Limestone over an extent of 273.91 Acres (151.94 Acres of Patta land and 121.97 Acres of Govt land) in Sy. No. 193, 194/1, 2 etc., and Sy. No. 171 of Jayanthipuram Village, Jaggaiahpet Mandal, Krishna District in favour of M/s Madras Cements Ltd for a period of 20 Years and requested to furnish the Approved Mining Plan, EC and CFE for the subject area.

2. In the Memo 2nd read above, Government have reduced the said area to that of 267.30 Acres (145.33 Acres of Patta land and 121.97 Acres of Govt land) and directed M/s Madras Cement Ltd (now changed as M/s The Ramco Cements Ltd) to furnish the revised Mining Plan approved by Indian Bureau of Mines for the reduced area within a period of 6 months along with sketch, EC, CFE.

3. In the letter 3rd read above, Ministry of Mines, Government of India have issued orders for relaxation of maximum area for Limestone Mining Lease from 10 Sq.Km to 50 Sq.Km in the State of Andhra Pradesh under Section 6(1)(b) of MMDR Act 2015. M/s The Ramco Cements Ltd (previously Madras Cements Ltd) has submitted the Draft Mining Plan to the IBM on 14.12.2016 and the same was approved by the RCoM, IBM, Hyderabad on 02.01.2017 vide Modified Mining Plan approval vide letter 4th read above.

4. M/s The Ramco Cements Ltd has filed Writ Petition No.1856 of 2017 before the Hon'ble High Court for the State of Telangana and Andhra Pradesh praying to direct the respondent not to issue any adverse proceedings in respect of said

Mining Lease Application dated 26.06.1994 for grant in favour of M/s. The Ramco Cements. In this regard, the Hon'ble High Court for the State of Telangana and Andhra Pradesh finally has passed the following order on 06.02.2017:

> *"Heard learned counsel for petitioner, It is stated that in similar circumstances this Court granted interim orders and same is not disputed by learned Govt. Pleader for Mines and Geology.*
>
> *In view of the same interim orders granted earlier shall stands extended until further orders."*

5. M/s.The Ramco Cements Limited has filed the Transfer petition (Civil) No.2089/2019 in the Supreme Court of India for listing and adjudication along with T.P(c) 358-413 of 2019 title as Union of India Vs M/s Jayaswal Neco Industries Ltd. & Ors. Involving identical question of law, i.e., challenging vires of Section 10 A (2) (c) of the Mines and Minerals (Development and Regulation) Act, 1957 (for short MMDR, 1957) and Rules framed thereunder and the transfer petition(Civil) No.2089/2019 is pending as on date and No Orders were received from the Hon'ble Supreme Court to till date.

6. In the letter 5th read above, M/s The Ramco Cements Limited has requested the Government for considering the Mining Application dated: 26.06.1994 praying that they undertake to withdraw both the transfer petition (Civil) No:2089 of 2019 pending before the Hon'ble Supreme Court of India as well as the Writ petition No:1856 of 2017 before the Hon'ble High Court of AP, immediately on receipt of Grant of Mining Lease.

7. In the single file 10th read above, the Director of Mines & Geology, AP., among other things, has stated that the case on hand has been examined with reference to the legal opinion recommended by the Hon'ble Justice Sri Dipak Mishra (Retired), Former Chief Justice, Supreme Court of India, vide letter 6th read above, wherein it is specified, among other things, that the company's vested right to get a Mining Lease under Section 10(A)(2) (b) and (c) of the MMDR Act and execution thereof stood crystalized prior to the 2021 Amendment Act which cannot be taken away by the 2021 Amendment Act and therefore, the Company is eligible for being granted the subject Mining Lease and the same should be executed in its favour and the Learned Advocate General, AP., vide letter 8th read above, has also confirmed that the above legal opinion is in accordance with law laid down by the Hon'ble SCI as reflected in the said opinion. The DM&G, AP., while stating that the said legal opinions squarely applicable to the present case, has, therefore, recommended the Government to consider the case of M/s The Ramco Cements Limited for grant of Mining Lease for Limestone over the subject area, under Section 10 (A) (2) (b) & (c) read with Section 8 (A) (2) of MM (D&R) Act, 2015 and rule 8 (2) of Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rules, 2016, subject to certain conditions as mentioned therein.

8. Government, after careful examination of the above facts and circumstances of the case and in due consideration of the legal opinion rendered vide letters 6th and 8th read above, and recommendation of the Director of Mines & Geology, AP., hereby grant Mining Lease for Limestone over an extent of 267.30 Acres (145.33 Acres of Patta land and 121.97 Acres of Govt land) in Sy. No. 193, 194/1, 2 etc., and Sy.No.171 of Jayanthipuram Village, Jaggaiahpet Mandal, NTR District, for 50 years for captive purpose in favour of M/s The Ramco Cements Limited under

Section 10 (A) (2) (b) & (c) read with Section 8 (A) (2) of MM (D&R) Act, 2015 and rule 8 (2) of Minerals (Other than Atomic and Hydrocarbons Energy Minerals) Concession Rules, 2016, subject to satisfaction of all other terms and conditions laid down under MM(D&R) Act, Mineral (OA&HCEM) Concession Rules, 2016 & standing instructions and guidelines issued by the GoI and State Government from time to time, subject to the following conditions:

I. The grantee shall pay the rates of royalty, dead rent, surface rent, water charges and cess etc., as applicable as per rates fixed by GoI/State Government from time to time.

II. The grantee shall either establish a cement plant or expand the capacity in the existing plant within a period of three (3) years from the date of grant orders, otherwise the lease will be cancelled.

III. The grantee should execute the lease deed within the time limit specified under MMDR(Amendment) Act, 2015.

IV. The grantee should obtain EC, CFE & CFO before starting Mining Operations.

V. The grantee should pay necessary deposit of amount as prescribed under the existing rules before the lease is actually executed.

VI. The grantee shall withdraw both the transfer petition Civil No.2089 of 2019 pending before the Supreme Court of India as well as W.P.No.1856 of 2017 pending before the Hon'ble High Court of A.P. on receipt of grant of Mining lease.

9. This Grant is liable for cancellation, if it is found at later date that it was grossly inequitable or was made under a mistake of fact or owing to misrepresentation or fraud in excess of authority.

10. The Director of Mines & Geology, Government of A.P., shall take necessary further action accordingly, after satisfying himself that the grantee fulfils all the required terms and conditions as stipulated in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
SPECIAL CHIEF SECRETARY TO GOVERNMENT(MINES)

To
The Director of Mines & Geology, Ibrahimpatnam, NTR District (w.e. file).
M/s The Ramco Cement Ltd., Auras Corporate Centre, V Floor, Radhakrishnan salai, Mylapore, Chennai.

Copy to:
The Secretary to Govt. of India, Ministry of Mines, Sastry Bhavan, New Delhi.
The Controller General, Indian Bureau of Mines, Indira Bhavan, Civil Lines, Nagpur
The Director General, Mines Safety, Dhanbad, Jharkand.
The Regional Controller of Mines, Koti, Hyderabad.
The OSD to Minister(M&G)
SF/SCs.

//FORWARDED BY ORDER//

SECTION OFFICER